

U.S. DISTRICT COURT
DISTRICT OF WYOMING

2012 MAY 17 AM 8 54

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

JIMMIE G. BILES, JR.,

Plaintiff,

vs.

JOHN HENRY SCHNEIDER, JR., *et al*,

Defendants.

Case No. 11-CV-366-F

ORDER DENYING MOTION TO APPEAR AS AMICUS CURIAE

This matter is before the Court on James and Martie Clark's motion for leave to appear as amicus curiae and motion for access to sealed or confidential documents. Mr. and Mrs. Clark are currently suing Mr. Schneider for malpractice in Wyoming State Court. The Clarks filed this motion after the Court's status conference on May 11, 2012. The Clarks oppose the motion to seal the transcripts from the April 26, 2012 hearing.


"Participation as an amicus to brief and argue as a friend of the court is a privilege within the sound discretion of the court." *Oklahoma v. Tyson Foods, Inc.*, No. 05-CV-329-GKF-SAJ, 2008 U.S. Dist. LEXIS 36665, *7 (N.D. Okla. May 5, 2008). "The term 'amicus curiae' means friend of the court, not friend of a party. *Id.* at *8. Courts frequently permit participation as an amicus when the proffered information of the amicus is useful or

otherwise necessary to the administration of justice. *Hammond v. City of Junction City*, No. 00-2146-JWL, 2001 U.S. Dist. LEXIS 21319, *3 (D. Kan. Dec. 17, 2001).

Upon reviewing the Clark's motion, the Court finds that the motion to appear as amicus curiae is denied. First, the Clarks do not provide sufficient reasons to participate as an amicus curiae. Rather than serving as a friend of the Court, the Clarks would like to participate simply to have access to documents filed in this case. The proposed amici have not indicated that they can help the Court beyond the help the lawyers for the parties are permitted to provide. Second, the primary reason the Clarks would like to participate in this matter is to have access to sealed documents. However, on May 11, 2012, the Court denied Defendants' motion to seal the transcripts from the April 26, 2012. Accordingly, the documents are not sealed and the Clarks may access these documents. Furthermore, the parties indicated that this matter has been fully resolved. Allowing Mr. and Mrs. Clark to participate in this matter would likely complicate this matter, cause additional disputes, and cause the parties to expend additional resources.

Accordingly, IT IS ORDERED that the motion to appear as Amicus Curiae is DENIED.

Dated this 16 day of May, 2012.



NANCY D. FREUDENTHAL
CHIEF UNITED STATES DISTRICT JUDGE